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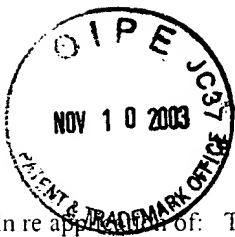
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Trung T. Doan

Serial No.: 09/133,989

Filed: August 14, 1998

For: CHEMICAL DISPENSING SYSTEM FOR
SEMICONDUCTOR WAFER PROCESSING

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NOV 14 2003
TC 1700

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§ Group Art Unit: 1734
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§ Examiner: Laura E. Edwards
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§ Atty. Docket: 93-0421.03
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TC 1700

REPLY TO THE EXAMINER'S ANSWER DATED OCTOBER 7, 2003

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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11/7/03
Date

Susan Glavin
Signature

Dear Sir:

Applicant herein responds to the Examiner's Answer dated October 7, 2003.

I. Section 2 of Examiner's Answer

Section 2 of the Examiner's Answer addresses related appeals and interferences. Applicant herein provides an update to the information originally presented in part II of the Appeal Brief.

U.S. Application Ser. No. 09/652,713, which was filed August 31, 2000 and is a divisional of the currently appealed application, has been remanded to the Examiner by the Board of Patent Appeals. The Board did not sustain the Examiner's §102 rejections and instead raised a §112 rejection. Applicant submitted a Showing of Facts and Response to the Examiner on 9/26/03.

U.S. Application Ser. No. 09/652,969, which was filed August 31, 2000 and is another divisional of the currently appealed application, has received a Notice of Allowance after the Board's reversal of the Examiner's rejections. Applicant paid the issue fee on 10/13/03.

II. Section 10 of Examiner's Answer

Section 10 of the Examiner's Answer addresses the grounds of rejection. Applicant notes that this section refers to the grounds presented in the final Office Action dated 2/13/03. Applicant's Appeal Brief addresses those grounds.

III. Section 11 of Examiner's Answer

Section 11 of the Examiner's Answer addresses the response to Applicant's arguments. Applicant replies to the Examiner's response below, dividing the replies according to the particular rejection addressed.

A. Rejection of claims under §102 in light of Honda, with Fisch cited to purportedly demonstrate Honda's inherent teachings.

The Examiner's Answer demonstrates that the reasoning behind the rejection is simply:

- (1) Honda discloses a developer;
- (2) Fisch discloses a developer; and
- (3) Fisch discloses its developer is a solvent; therefore
- (4) Honda's developer is a solvent.

(See Answer at p. 4-5.)

However, the Examiner has failed to support the notion that Honda's developer and Fisch's developer are the same -- or even close enough to suggest that Honda's developer is a solvent. Applicant contends that the Board's careful review of Honda, Fisch, and other evidence in the record will reveal that the Examiner's notions cannot be supported.

In fact, the evidence in the record demonstrates that Honda's developer and Fisch's developer are different and, more specifically, Honda's developer is not a solvent. As mentioned in the Appeal Brief, Fisch's text expresses that its developer dissolves both photoresist that has been exposed to light as well as photoresist that has not been exposed to light; whereas Honda's text

expresses that its developer may not affect either. (Appeal Brief transmitted 7/16/03 at p. 4.)

Significantly, the Examiner expressly disregarded this conflict between the references. (Answer at p. 4, ¶ 4 (using the term “[r]egardless”).) Applicant contends this conflict is extremely relevant in that it demonstrates Fisch’s inability to highlight the alleged teaching that the Examiner imagines to be inherent in Honda. (*See* Appeal Brief transmitted 7/16/03 at p. 4-5.) As a result, Applicant requests that the Board accord this argument the weight it is due.

Additional evidence beyond the text of the cited references further refutes the Examiner’s inherency argument. Applicant also mentioned in the Appeal Brief that U.S. Pat. No. 5,178,989 by Heller indicates that its developer is not a solvent. (Appeal Brief transmitted 7/16/03 at p. 5. (citing Heller at col. 9, ln. 34-46; col. 17, ln. 34-37).) Curiously, the Examiner’s Answer acknowledges the validity of Heller and that its characterization of a developer is different from Fisch’s characterization. (Answer at p. 4.) Nevertheless, the Examiner chose to ignore Heller’s teachings in favor of Fisch’s. (Answer at p. 4-5.) However, the Examiner provided no reasoning for such a choice. (*See id.*) Thus, given the Examiner’s (1) lack of such reasoning; (2) express admission concerning Heller’s contrary teachings; (3) express refusal to consider Heller in determining Honda’s inherent disclosure; and (4) express refusal to consider Fisch’s conflict with Honda’s express disclosure; Applicant contends that any one or combination of these factors further warrant the Board’s reversal of the Examiner.

Still more evidence refuting the Examiner’s inherency argument is in the form of the Examiner’s admission made earlier during prosecution. Specifically, the Examiner has admitted that Heller as well as other evidence proves “that there are a multitude of developer compositions” that have different chemical characteristics, including solubility. (Final Office Action dated 2/13/03 at p. 5-6.) Significantly, Applicant reminded the Examiner of this admission in the Appeal Brief transmitted 7/16/03 (p. 6-7). However, Applicant can find no direct response to this point in the Answer. Applicant interprets the Examiner’s silence as an admission that Honda’s developer is not inherently a solvent. Applicant urges the Board to adopt this interpretation. At the least, the Examiner’s unwillingness or inability to address Applicant’s argument constitutes a failure to answer the substance of Applicant’s arguments, which is contrary to MPEP §707.07(f) (requiring the Examiner to answer all material traversed) and therefore supports Board’s reversal on policy grounds.

Another point that the Examiner failed to address is the fact that the rejections are based on the Examiner's assumptions on how Honda's developer "can" act, which is contrary to binding case precedent. (See Appeal Brief transmitted 7/16/03 at p. 7 (citing *Crown Operations Intl. v. Solutia, Inc.*, 289 F.3d 1367, 62 U.S.P.Q.2d 1917, 1923 (Fed. Cir. 2002); *Ex parte Herbermann*, 1997 WL 1935418 at 4 (Bd. Pat. App. & Interf. 1997); *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981)). Applicant alerts the Board that this portion of the Appeal Brief contains a typographical error – the first full paragraph should refer to how a "developer" can act, rather than a "dispenser.") Applicant interprets the Examiner's silence as an admission that the Examiner's assumptions are not in accordance with binding case precedent. At the least, the Examiner's unwillingness or inability to address Applicant's argument constitutes another failure to answer the substance of Applicant's arguments, which is contrary to MPEP §707.07(f) and therefore further supports Board's reversal on policy grounds.

Thus, given (1) the text of the references cited in the rejection; (2) the text of Heller cited by Applicant; (3) the Examiner's admission; (4) the Examiner's improper suppositions concerning how Honda's developer can act; and (5) the Examiner's express refusal to consider evidence that refutes the Examiner's reasoning; Applicant contends that any one or combination of these factors support Applicant's interpretation of Honda – that there is no inherent teaching concerning the solvent nature of Honda's developer. (See Appeal Brief transmitted 7/16/03 at p. 4.) Applicant further contends that, for the same reason(s), the Examiner's alternate interpretation of Honda – that its express teachings address the strength of its solvent nature (see Answer at p. 4) – is untenable.

B. Rejection of claim under §102 in light of Isono

The Examiner rejected claim 28 as being anticipated by Isono (Japanese Patent No. 2-157763). Claim 28 requires a vacuum device that is both (1) spaced from a material on a substrate; and (2) directed toward the claim's nozzle during a dispensation mode. Applicant indicated throughout prosecution that, in direct contradiction to limitation (1), Isono's device directly contacts the analogous material. (See Appeal Brief transmitted 7/16/03 at p. 7-8.) The Examiner argued that only a particular component of Isono's device was intended to be analogized to claim 28's vacuum device – namely Isono's discharge port (element 6). (Final Office Action

dated 2/13/03 at p. 2-3, 6.) Applicant then pointed out that such an analogy fails to satisfy limitation (2) of claim 28. (Appeal Brief transmitted 7/16/03 at p. 8.)

The Examiner's Answer fails to address the inability of Isono's discharge port to satisfy the second limitation expressed above. (*See Answer at p. 5.*) Applicant interprets the Examiner's silence as an admission that Isono fails to disclose all of claim 28's limitations. Applicant urges the Board to adopt this interpretation. At the least, the Examiner's unwillingness or inability to address Applicant's argument constitutes another failure to answer the substance of Applicant's arguments, which is contrary to MPEP §707.07(f) and therefore further supports Board's reversal on policy grounds.

The Examiner's Answer raises other policy issues as well. In purporting to argue Isono's disclosure of limitation (1), the Examiner attempted to analogize a new Isono component – exhaust port 5 – to claim 28's vacuum device. (*Answer at p. 5.*) Applicant contends the Examiner is attempting to raise a new ground of rejection in the Answer, which is prohibited by 37 C.F.R. §1.193(a)(2) and MPEP §1208.01. The Examiner's further frustration of Patent Office policy further supports the Board's reversal of the Examiner.

Moreover, the attempted analogy between Isono's exhaust port and claim 28's vacuum device suffers the same problem as did the Examiner's discharge port analogy. Specifically, Isono's exhaust port fails to satisfy claim 28's limitation (2) addressed above. Applicant contends that the Board's review of Isono, including Isono's FIG. 1, will reveal that Isono's exhaust port (5) is not directed to Isono's supply hole (4) in the manner required for a successful analogy with claim 28. Thus, the Examiner's amended argument in the Answer still fails to render claim 28 anticipated.

C. Rejection of claims under §103 in light of Kottman in combination with Honda

In response to Applicant's argument that Kottman and Honda conflict in their "main purposes," the Examiner accused Applicant of having mistaken their purpose. (*Answer at p. 5.*) The Examiner then proposed that their purpose is edge bead removal from a coated wafer/substrate. (*Id.*) Applicant contends that the substance of Applicant's argument stands: Honda pretreats the workpiece's edge so that it can be developed evenly with the workpiece's interior; hence there is no

need for Kottman's specialized edge washing technology. Conversely, Kottman's specialized edge washing technology eliminates the need for Honda's edge developing technology. (See Appeal Brief transmitted 7/16/03 at p. 9-10.) Thus, at some level of analysis above the fine details taught, the references conflict and discourage combination. This is true whether or not that level is characterized as being directed to the "main purpose."

In response to Applicant's argument that Kottman and Honda conflict in their particulars, the Examiner began by expressly disregarding those conflicts. (Answer at p. 5 (expressly using the term "[r]egardless").) Such disregard demonstrates the Examiner's failure to comport with several instances of binding case precedent. First, the Examiner's admission demonstrates a failure to consider the references *as a whole*. (See *McLaughlin*, 170 U.S.P.Q. at 212 (emphasis added).) Second, the Examiner's admission demonstrates a failure to consider the inability of each reference to suggest solutions to one of ordinary skill in the art when the prior art contains conflicting references. (See *Young*, 18 U.S.P.Q.2d at 1091.) Further, the Examiner's ability to ignore the legion of contradictions between the teachings of Kottman and Honda and focus solely on particular excerpts that purportedly support an obviousness rejection further support the notion that the Examiner has fallen "into the hindsight trap" – having inappropriately used hindsight gained from the current invention in order to focus on particular points of prior art. (See *Dembiczak*, 50 U.S.P.Q.2d. at 1617. These cases were provided in appendices to the Appeal Brief Transmitted 7/16/03.) The Examiner has disregarded conflicts between the references earlier in prosecution (*see* Appeal Brief transmitted 7/16/03 at p. 18-20), and this latest instance further emphasizes a pattern of failure to follow binding case precedent as well as a failure to satisfy the *prima facie* burden for an obviousness rejection.

The Examiner disregarded the conflicts between Kottman and Honda in order to focus on what the Examiner believed the "claimed invention broadly requires." (Answer at p. 5-6.) However, the Examiner failed to address a particular claim or limitation. Applicant contends that the claims are limited by the specific language expressed therein. Moreover, Applicant submits that claim breadth is not at issue; rather, the issue is whether one of ordinary skill in the art would be motivated to combine Kottman and Honda. Applicant asserts that the references' conflicts the Examiner seeks to disregard demonstrate a lack of motivation to combine.

In an attempt to provide a motive to combine, the Examiner reasoned that modifying Kottman's device according to Honda would (1) enhance edge bead removal; (2) not physically destroy Kottman's basic device; and (3) not defeat Kottman's main objective. (Answer at p. 6.) Concerning the first motive to combine, Applicant has established that Kottman's technology removes the need for Honda's enhanced edge bead removal by ensuring that the edge bead develops at the same rate as resin on the workpiece's interior. (Appeal Brief transmitted 7/16/03 at p. 9-10.) Hence, modifying Kottman's device according to Honda would needlessly increase the time, money, and effort spent processing a workpiece, thereby discouraging modification. Regarding the second motive, Applicant contends that the mere absence of physical destruction resulting from a modification is insufficient motive for combination, and describing the result of modification in such negative terms fails to provide the motivation that must be articulated as part of satisfying the *prima facie* burden for rejection. The negative terms used to articulate the Examiner's third motive cause that motive to suffer similarly. In addition, Applicant submits that modifying Kottman's device according to Honda does in fact defeat Kottman's main objective, as the presence of Honda's specialized edge bead cleaning device defeats the need for Kottman's specialized edge bead developing device.

At least some of the Kottman/Honda obviousness rejections are premised on the Examiner's baseless conclusions concerning what is "obvious as an engineering design choice." (Final Office Action dated 2/13/03 at p. 4 (attempting to justify modifying Kottman's edge dispenser to be perpendicular with respect to the wafer).) Applicant pointed out how such an announcement is legally improper in light of binding case precedent. (Appeal Brief transmitted 7/16/03 at p. 15-18 (citing *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999)).) The Examiner's response is to exchange one catch phrase for another. Rather than express an "obvious design choice" theory, the Examiner's Answer relies on "common sense." (Answer at p. 6.)

However, the Examiner's new "common sense" argument has already been expressly addressed and refuted by other binding case precedent. (See *In re Zurko* (258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001)). A copy of *Zurko* is included in an appendix to this Reply.) In *Zurko*, the Patent and Trademark Office (PTO) rejected Zurko's claims based on the PTO's assumptions concerning the technology and "common sense." (See *id.*, 59 U.S.P.Q.2d at 1695.)

The Court reversed the PTO, indicating that, with respect to “core factual findings in a determination of patentability,” the PTO “cannot simply reach conclusions based on its own understanding or experience -- or on its assessment of what would be basic knowledge or *common sense*.” (*Id.* at 59 U.S.P.Q.2d 1697 (emphasis added).) Rather, the Court required the PTO to “point to some concrete evidence in the record” in support of its findings. (*Id.*) The Court reasoned that to hold otherwise would render the process of appellate review a meaningless exercise. (*Id.*)

The current Examiner’s use of the very phrase specified by *Zurko*’s court highlights the analogy between the current prosecution and the facts of *Zurko*. Actually, the current facts are even more in Applicant’s favor than those in *Zurko*, as the Examiner’s own reference expressly contradicts the Examiner’s assumption. As detailed in the Appeal Brief, Kottman itself discloses a different dispenser that is perpendicular to the wafer yet expressly angles its edge dispenser. (Appeal Brief transmitted 7/16/03 at p. 14-15.) The fact that Kottman acknowledges one dispenser perpendicular to the wafer yet provides an edge dispenser that is non-perpendicular to the wafer suggests to one of ordinary skill in the art that Kottman has rejected a perpendicular orientation for its edge dispenser. As a result, the Examiner’s baseless conclusions regarding “engineering design choice” and “common sense” are invitations for reversal by the Board or the Court for the same reasons as those provided in *Zurko*.

Moreover, the Kottman disclosure referred to above refutes the Examiner’s assumption that the proposed modification “merely” requires changing the angle of Kottman’s dispenser (Answer at p. 6). Other art cited during prosecution refutes the Examiner’s assumption as well. As detailed in the Appeal Brief, such art alerts the ordinary artisan that nozzle positioning with respect to a substrate is “important.” (Appeal Brief transmitted 7/16/03 at p. 14-15 (citing U.S. Pat. No. 4,518,678 by Allen; U.S. Pat. No. 5,289,222 by Hurtig; Japanese Patent No. 2-157763 by Isono).) As a result, the Examiner’s final statement on this topic – an assumption that the function of Kottman’s nozzle would not change with the proposed modification – is not only baseless and legally improper under *Zurko*’s standards but is actively refuted by such art.

D. Rejection of claims under §103 in light of Uchida in combination with Honda

In responding to Applicant's arguments against the Uchida/Honda rejection, the Examiner began by announcing that spacing Uchida's apparatus from its substrate is obvious. (Answer at p. 7.) This statement appears to be a bare conclusion that, on its own, should not persuade the Board. If this statement represents an introductory premise to be established by the remainder of the Examiner's Answer, Applicant contends that premise is refuted for the reasons articulated below.

The Examiner next addressed Honda's teachings and, later in the same paragraph, characterized those teachings as representing conventional wisdom in the art. (Answer at p. 7.) However, Applicant has already addressed the Examiner's mistaken belief concerning conventions in the art. (Appeal Brief transmitted 7/16/03 at p. 22-23.) Accordingly, Applicant will refrain from repeating the previously raised arguments in the interest of efficient prosecution.

The Examiner also attempted to interpret Uchida's teachings. (Answer at p. 7.) The Examiner's first interpretation – that Uchida suggests a space of 180 microns between its suction port and a *coated* substrate – is contrary to the Examiner's previous admissions and the language of the translated reference, both of which are addressed in the Appeal Brief (p. 22). Specifically, Uchida's 180 micron gap refers to the space between Uchida's suction port and the substrate level underlying the edge bead. (*Id.*) Such a space is not surprising given the presence of that edge bead between Uchida's suction port and the substrate. (*See id.*) Moreover, per the Examiner's express admission, Uchida expressly discloses direct contact between its suction port and the coating on the substrate. (*Id.*) Thus, while there may be space between Uchida's suction port and the original substrate surface, there is no gap between Uchida's suction port and the coating on the substrate.

The Examiner's second Uchida interpretation actually supports Applicant's position, highlighting the fact that Uchida's suction nozzle is *fixed* in a position where it contacts the coating. (Answer at p. 7.)

The third Uchida interpretation demonstrates the Examiner's belief that Uchida "discloses no structure that would prevent fixing" the suction nozzle in place. (Answer at p. 7.) However,

despite the Examiner's belief that (1) Uchida's nozzle is fixed to contact the coated substrate; and (2) there is nothing in Uchida to prevent that fixation, the Examiner then seems to arrive at a contradictory conclusion – announcing that it would be obvious to prevent that fixation and space Uchida's device from the coated substrate. Because the Examiner's conclusion is contrary to the Examiner's two interpretations immediately preceding, Applicant contends that the conclusion is untenable.

The untenable nature of the Examiner's conclusion is further demonstrated by the Examiner's fourth interpretation of Uchida, wherein the Examiner admits that Uchida contains conflicting teachings within itself. (Answer at p. 7, last 2 lines.) Applicant submits that such internal inconsistency makes that reference unable to suggest solutions to one of ordinary skill in the art, either alone or in combination with another reference. Applicant further asserts that the Examiner's ability to set aside Uchida's internal contradictions (as well as Uchida's contradictions with Honda) yet still apply it in a rejection demonstrates that the Examiner has fallen into the "hindsight trap" the Court warned against in *In re Dembiczak* (50 U.S.P.Q.2d at 1617 (Fed. Cir. 1999)) and Applicant addressed in the Appeal Brief.

Concerning Uchida's contradictions with Honda, Applicant detailed those conflicts in the Appeal Brief and asserted that such conflicts discourage their combination (p. 24-26). However, Applicant can find no portion of the Answer addressing these conflicts. Applicant interprets the Examiner's silence as an admission that the conflicts between Uchida and Honda discourage combination. Applicant urges the Board to adopt this interpretation. At the least, the Examiner's unwillingness or inability to address Applicant's argument constitutes yet another failure to answer the substance of Applicant's arguments, which is contrary to MPEP §707.07(f) and therefore still further supports Board's reversal on policy grounds.

The Examiner further repeated a motive for combination that had been asserted in the Final Office Action. Specifically, the Examiner reasserted that one of ordinary skill in the art would be motivated to substitute Uchida's teachings with Honda's teachings concerning device placement in order to eliminate excess cleaning. (Answer at p. 7.) Applicant has already addressed this untenable motive for combination. (Appeal Brief transmitted 7/16/03 at p. 23-24.) Accordingly, Applicant will refrain from repeating the previously raised arguments in the interest of efficient prosecution.

The Examiner then announced that the claimed invention rejected by Uchida and Honda “is deemed to be within the level of ordinary skill in the art.” (Answer at p. 7.) It is unclear whether this statement is a conclusion based on the arguments presented in the Answer and Final Office Action or is a separate argument attempting to support the rejection. If the statement is the former, Applicant’s arguments presented above refute that conclusion. If the statement is the latter, the conclusory nature of the Examiner’s statement fails to suggest motivation one of ordinary skill in the art would have to combine Uchida and Honda (*see Ethicon*, 41 U.S.P.Q.2d at 1233; *Dembiczak*, 50 U.S.P.Q.2d. at 1617). Continuing to assume the Examiner’s statement is a separate argument attempting to support the rejection, the conclusory nature of the Examiner’s statement further indicates that the PTO, through the Examiner, is reaching “conclusions based on its own understanding or experience -- or on its assessment of what would be basic knowledge” in direct contradiction to *Zurko*. (*Zurko*, 59 U.S.P.Q.2d at 1697.) Either way, the statement in no way supports the attempted rejection.

IV. Conclusion

Concerning the rejection of claims under §102 in light of Honda (with Fisch cited to purportedly demonstrate Honda’s inherent teachings), the Examiner’s Answer demonstrates a mistaken assumption that, just because Fisch’s developer is a solvent, Honda’s developer is too. In fact, Honda’s express disclosure indicates otherwise, as does a comparison between Honda’s express disclosure and Fisch’s. The Heller reference further indicates that the Examiner’s assumption is erroneous. Moreover, the Examiner’s ignoring contradictory arguments, teachings, and the Examiner’s own previous admission provide additional substantive and policy support for the Board’s reversal of the Examiner, withdrawal of this rejection, and allowance of the relevant claims.

As for the rejection of the claim under §102 in light of Isono, the Examiner’s Answer represents a continued failure to articulate how that reference discloses both the “spaced” and “directed” limitations of claim 28’s vacuum device. In addition, the Examiner’s failure to address the substance of Applicant’s arguments presented in the Appeal Brief provide additional substantive and policy support for the Board’s reversal of the Examiner, withdrawal of this

rejection, and allowance of claim 28, as does the Examiner's attempt to raise a new basis for rejection.

Regarding the rejection of claims under §103 in light of Kottman in combination with Honda, the Examiner's Answer demonstrates an express disregard for the conflicts between those references in terms of both their specific and general teachings. Such disregard is legally improper in light of binding case precedent. Moreover, the Examiner's attempt to focus on the commonality of the references only serves to indicate the improper use of hindsight. The motives for combination that the Examiner attempts to articulate are untenable given the conflicts the Examiner seeks to ignore or the motives' negative/passive characterization. The Examiner's new "common sense" argument is refuted by case precedent and evidence in the record in a manner similar to Examiner's old "obvious design choice" argument. Such flaws in the rejection warrant Board's reversal of the Examiner, withdrawal of this rejection, and allowance of the relevant claims.

Concerning the rejection of claims under §103 in light of Uchida in combination with Honda, the Examiner's Answer contains statements that are either unsupported conclusory arguments or summaries/premises of other arguments that Applicant has refuted in this Reply Brief or in the Appeal Brief. This portion of the Examiner's Answer also contains an interpretation of Uchida by the Examiner that contradicts Uchida's text and the Examiner's previous admission. This portion contains the Examiner's additional Uchida interpretations that contradict the conclusion they were intended to support. This portion of the Examiner's Answer does not address the conflicts between the references, which Applicant raised in the Appeal Brief. As a result, there is additional substantive and policy support for the Board's reversal of the Examiner, withdrawal of this rejection, and allowance of the relevant claims.

Respectfully submitted,

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11/7/3

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☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number	09/133,989
Filing Date	August 14, 1998
First Named Inventor	Trung T. Doan
Examiner Name	Laura E. Edwards
Art Unit	1734
Attorney Docket No.	93-0421.03

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number: 13-3092, Order No. 93-0421.03

Deposit Account Name: Micron Technology, Inc.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: 22 -22 ** = 0 X 18 = 0

Independent Claims: 12 -12 ** = 0 X 84 = 0

Multiple Dependent: X = 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$) 0

SUBMITTED BY

Name (Print/Type)	Charles Brantley	Registration No. (Attorney/Agent)	38,086	Telephone	208-368-4557
Signature	<i>Charles Brantley</i>			Date	11/7/3

Complete (if applicable)

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